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इस भाग में विशेष पृष्ठ संख्या ही दर्शाती है जिससे कि यह घलग संकलन के रूप में रखा जा सके।

*Separate paging is given to this Part in order that it may be filed
as a separate compilation.*

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 25th November, 1992:—

BILL No. LXXXII of 1992

A Bill further to amend the Atomic Energy Act, 1962.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Atomic Energy (Amendment) Act, 1992.

Short title.

33 of 1962.
5 of 1898.
2 of 1974.

2. In section 26 of the Atomic Energy Act, 1962 (hereinafter referred to as the principal Act),—

Amendment of section 26.

(a) in sub-section (1), for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted;

(b) sub-section (2) shall be omitted.

3. After section 26 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 26A and 26B.

"26A. (1) Notwithstanding anything contained in section 26, any officer of the Government authorised by a general or special order of the Central Government in this behalf may arrest without warrant

Power to arrest without warrant.

any person against whom a reasonable suspicion exists that he has contravened the provisions of section 18 or section 19 and shall, as soon as may be, inform him of the ground of such arrest.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case or to the officer in charge of the nearest police station and the provisions of section 57 of the Code of Criminal Procedure, 1973 shall, so far as may be, apply in the case of any such arrest.

2 of 1974.

Power of
entry,
search
and
seizure.

26B. (1) Any officer of the Government authorised by a general or special order of the Central Government in this behalf may, if he has reasonable grounds for believing that any person has contravened or is about to contravene the provisions of section 18 or section 19, enter upon and search, at all reasonable time, any premises or vehicle in the occupation of such person and open and search any baggage or other things in his possession and seize from such person any document, drawing, photograph, plan, model, sketch, picture or any other article or thing used or suspected to be used in committing the offence.

(2) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall, so far as may be, apply to searches and seizures made under this section.”

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

Sub-section (2) of section 26 of the Atomic Energy Act, 1962 (33 of 1962) provides that the proceedings in respect of contravention of section 18 relating to restrictions on disclosure of information could be instituted only with the consent of the Attorney General of India. This provision has resulted in delays in taking immediate action against persons who have contravened the provisions of section 18 of the Act since action will have to be kept in abeyance till such time the consent of the Attorney General of India is obtained. Since in a highly sensitive area like atomic energy immediate action is called for, it is proposed to delete the said sub-section.

2. There is no provision under the Act empowering the Central Government to authorise any officer of the Government to arrest persons who are suspected to have contravened the provisions of section 18 relating to restriction on disclosure of information or those of section 19 relating to prevention of entry into prohibited areas. Likewise, there is also no provision for search of the person or premises of the suspected person and seizure of documents, drawings, photographs, etc., containing restricted information. It is, therefore, proposed to make necessary provisions for enabling the Central Government to authorise its officers to take action in this regard. This would facilitate speedy action in cases of contravention of the provisions of the aforesaid sections.

3. The Bill seeks to achieve the above objects.

P. R. KUMARAMANGALAM.

SUDARSHAN AGARWAL,
Secretary-General.

